

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

RODNEY MT. PLEASANT, and
LINDA BURNING,

Defendants.

DECISION AND ORDER
06-CR-250S

1. On August 9, 2006, Defendant Linda Burning was indicted on charges of unlawfully importing marijuana into the United States in violation of 21 U.S.C. §§ 952(a), 960(a)(1), 960(b)(3), and 18 U.S.C. § 2; conspiring to import marijuana into the United States in violation of 21 U.S.C. §§ 952(a), 960(a)(1), 960(b)(3), and 963; and failing to declare certain merchandise that she was importing into the United States in violation of 18 U.S.C. §§ 545 and 2.

2. On March 22, 2007, the Honorable Hugh B. Scott, United States Magistrate Judge conducted a Huntley hearing, after which Defendant Burning made statements to an Officer of the Department of Homeland Security Bureau of Immigration and Customs Enforcement.

3. Defendant Burning apparently moved to suppress her statements following the Huntley hearing, although no supporting papers were filed.

4. On May 1, 2007, the Honorable Hugh B. Scott, United States Magistrate Judge, filed a Report and Recommendation (Docket No. 43) recommending that Defendant's Motion to suppress her statements be denied.

5. On May 21, 2007, the Government filed a Notice of Lack of Objections to the Report and Recommendation. (Docket No. 44).

6. No objections to the Report and Recommendation were received within ten (10) days from the date of its service, in accordance with 28 U.S.C. § 636(b)(1)(C) and Local Rule 58.2(a)(3).

7. This Court has carefully reviewed Judge Scott's May 1, 2007, Report and Recommendation.

IT HEREBY IS ORDERED, that this Court accepts Judge Scott's May 1, 2007, Report and Recommendation (Docket No. 43) in its entirety, including the authorities cited and the reasons given therein.

FURTHER, that Defendant Linda Burning's Motion to suppress her statements following the Huntley hearing is DENIED.

SO ORDERED.

Dated: June 18, 2007
Buffalo, New York

/s/William M. Skretny
WILLIAM M. SKRETNY
United States District Judge